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SUBJECT: CYPRUS: POLICE STEP UP IPR ENFORCEMENT

REF: NICOSIA 0126

(U) This cable is sensitive but unclassified. Please treat accordingly.

¶1. (SBU) As reported Reftel, police enforcement action against IPR piracy seems to be on the rise. During 2007, the police launched 188 raids on suspected pirates, seizing 188,516 pirated items (mostly of DVDs and CDs), compared to 114 raids and 77,763 seized items in 2006. Thus far, this trend has been sustained in 2008.

¶2. (SBU) On March 24, the local press carried an article about a police raid on two shops in Nicosia, resulting in the seizure of 3,155 counterfeit DVDs. This is one of a series of widely-publicized raids that have taken place over the past few months. When Post called to congratulate Nicos Chrysostomou, the Head of the Police Office for Combating Intellectual Property Theft, he noted that, for the first time ever, the new Four-Year Strategic Plan of the police (covering the years 2008-12) makes explicit reference to strengthening IPR enforcement. Specifically, the plan requires police authorities in the four main districts to go out and raid suspected pirate shops, setting specific goals. Chrysostomou was happy to see that the plan had energized regional police departments to be more pro-active on IPR enforcement. With increased support from his men in the field, Chrysostomou now feels that he has more time to tackle strategic/procedural issues to upgrade his department's effectiveness.

¶3. (SBU) Chrysostomou also noted that his department has been making good use of the evidence law, passed in February 2004. This law grants Cypriot judges discretionary authority to admit hearsay and electronic reproductions as evidence in trials. These changes facilitate prosecution of IPR cases by the Police. Furthermore, he noted, District Courts (particularly in Nicosia) are now more inclined to pass stricter sentences against pirates, taking advantage of amendments to the copyright law passed in 2002 providing increased penalties. The increase in penalties also allows the police to raid businesses suspected of being engaged in piracy without having to obtain a search warrant.

¶4. (SBU) Chrysostomou continues to support our efforts to amend existing copyright legislation and reverse the IPR burden of proof onto the defendant, making prosecution easier. Chrysostomou (who is just back from a three-week IPR training program in the States, funded by the USG) commented, "Until we are given a better law, we will just have to make the best of the existing law to fight piracy."

¶5. (SBU) Comment: The recent police actions exemplify a growing degree of awareness and sensitivity of IPR issues among GOC agencies. We have witnessed similar trends with Customs and, more recently, with the Consumer Protection Service of the Ministry of

Commerce, Industry and Tourism. These developments lead us to expect piracy to continue declining in the government-controlled area. Unfortunately, in the area administered by Turkish Cypriots, the IPR situation is much worse. With that in mind, Post will organize two IPR workshops on both sides of the island in November (November 20 and 21) at which rights-holders, government officials, and attorneys will participate. End comment.

SCHLICHER